



UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

April 2022 Grand Jury

UNITED STATES OF AMERICA,

ED CR No. 5:22-cr-00275-MWF

Plaintiff,

I N D I C T M E N T

v.

[21 U.S.C. §§ 841(a)(1),  
(b) (1) (A) (viii): Possession with  
Intent to Distribute  
Methamphetamine; 18 U.S.C.  
§ 922(g)(1): Felon in Possession  
of Ammunition; 21 U.S.C. § 853, 18  
U.S.C. § 924(d)(1), 28 U.S.C.  
§ 2461(c): Criminal Forfeiture]

GUSTAVO GALLARDO,

Defendant.

The Grand Jury charges:

COUNT ONE

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

On or about July 22, 2022, in San Bernardino County, within the Central District of California, defendant GUSTAVO GALLARDO knowingly and intentionally possessed with intent to distribute at least 50 grams, that is, approximately 213 grams, of methamphetamine, a Schedule II controlled substance.

1 COUNT TWO

2 [18 U.S.C. § 922(g)(1)]

3 On or about July 22, 2022, in San Bernardino County, within the  
4 Central District of California, defendant GUSTAVO GALLARDO knowingly  
5 possessed the following ammunition, in and affecting interstate and  
6 foreign commerce:

7 1. Four rounds of Prvi Partizan 9mm caliber ammunition  
8 contained in a black bag;

9 2. Three rounds of Tulammo 9mm caliber ammunition contained in  
10 a black bag;

11 3. Approximately 27 rounds of Fiocchi 9mm caliber ammunition  
12 contained in a black bag; and

13 4. Nine rounds of Fiocchi 9mm caliber ammunition loaded within  
14 a Polymer 90, 9mm caliber semi-automatic handgun, bearing no serial  
15 number (commonly referred to as a "ghost gun").

16 Defendant GALLARDO possessed such ammunition knowing that he had  
17 previously been convicted of at least one of the following felony  
18 crimes, each punishable by a term of imprisonment exceeding one year:

19 1. Unlawful Driving or Taking of a Vehicle, in violation of  
20 California Vehicle Code Section 10851(a), in the Superior Court of  
21 the State of California, County of San Bernardino, case number  
22 RCR21588, on or about November 29, 1993;

23 2. Felon in Possession of a Firearm, in violation of  
24 California Penal Code Section 12021(a), in the Superior Court of the  
25 State of California, County of San Bernardino, case number FWV02090,  
26 on or about November 29, 1993;

27 3. Assault with Firearm on a Person, in violation of  
28 California Penal Code Section 245(a)(2), in the Superior Court of the

1 State of California, County of San Bernardino, case number FWV04762,  
2 on or about November 7, 1994;

3       4. Forged Check, in violation of California Penal Code Section  
4 475(c), in the Superior Court of the State of California, County of  
5 San Bernardino, case number FWV020788, on or about September 28,  
6 2000;

7       5. Second Degree Attempted Murder, in violation of California  
8 Penal Code Sections 664, 187(a), in the Superior Court of the State  
9 of California, County of San Bernardino, case number FVA022636, on or  
10 about March 3, 2005;

11       6. Manufacturing Weapon in a Penal Institution, in violation  
12 of California Penal Code Section 4502(b), in the Superior Court of  
13 the State of California, County of San Diego, case number SCS234832,  
14 on or about January 26, 2010; and

15       7. Evading a Peace Officer with Wanton Disregard, in violation  
16 of California Vehicle Code Section 2800.2(a), in the Superior Court  
17 of the State of California, County of San Bernardino, case number  
18 FWV20004451, on or about December 30, 2020.

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1 FORFEITURE ALLEGATION ONE  
2 [21 U.S.C. § 853]

3 1. Pursuant to Rule 32.2(a) of the Federal Rules of Criminal  
4 Procedure, notice is hereby given that the United States of America  
5 will seek forfeiture as part of any sentence, pursuant to Title 21,  
6 United States Code, Section 853, in the event of the defendant's  
7 conviction of the offense set forth in Count One of this Indictment.

8 2. The defendant, if so convicted, shall forfeit to the United  
9 States of America the following:

10 (a) All right, title and interest in any and all property,  
11 real or personal, constituting or derived from, any proceeds which  
12 the defendant obtained, directly or indirectly, from the offense;

13 (b) All right, title and interest in any and all property,  
14 real or personal, used, or intended to be used, in any manner or  
15 part, to commit, or to facilitate the commission of the offense; and

16 (c) To the extent such property is not available for  
17 forfeiture, a sum of money equal to the total value of the property  
18 described in subparagraphs (a) and (b).

19 3. Pursuant to Title 21, United States Code, Section 853(p),  
20 the defendant, if so convicted, shall forfeit substitute property if,  
21 by any act or omission of the defendant, the property described in  
22 the preceding paragraph, or any portion thereof: (a) cannot be  
23 located upon the exercise of due diligence; (b) has been transferred,  
24 sold to, or deposited with a third party; (c) has been placed beyond  
25 the jurisdiction of the court; (d) has been substantially diminished  
26 in value; or (e) has been commingled with other property that cannot  
27 be divided without difficulty.

1 FORFEITURE ALLEGATION TWO

2 [18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

3 1. Pursuant to Rule 32.2 of the Federal Rules of Criminal  
4 Procedure, notice is hereby given that the United States of America  
5 will seek forfeiture as part of any sentence, pursuant to Title 18,  
6 United States Code, Section 924(d)(1), and Title 28, United States  
7 Code, Section 2461(c), in the event of the defendant's conviction of  
8 the offense set forth in Count Two of this Indictment.

9 2. The defendant, if so convicted, shall forfeit to the United  
10 States of America the following:

11 (a) All right, title, and interest in any firearm or  
12 ammunition involved in or used in such offense.

13 (b) To the extent such property is not available for  
14 forfeiture, a sum of money equal to the total value of the property  
15 described in subparagraph (a).

16 3. Pursuant to Title 21, United States Code, Section 853(p),  
17 as incorporated by Title 28, United States Code, Section 2461(c), the  
18 defendant, if so convicted, shall forfeit substitute property, up to  
19 the value of the property described in the preceding paragraph if, as  
20 the result of any act or omission of the defendant, the property  
21 described in the preceding paragraph or any portion thereof (a)  
22 cannot be located upon the exercise of due diligence; (b) has been  
23 transferred, sold to, or deposited with a third party; (c) has been  
24 placed beyond the jurisdiction of the court; (d) has been  
25 substantially diminished in value; or (e) has been commingled with  
26 other property that cannot be divided without difficulty.

1 SENTENCING ALLEGATION

2 [21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

3 Defendant GUSTAVO GALLARDO, prior to committing the offense  
4 alleged in Count One of this Indictment, had been finally convicted  
5 of a serious violent felony as that term is defined and used in Title  
6 21, United States Code, Sections 802(58), 841, and 851, namely,  
7 Second Degree Attempted Murder, in violation of California Penal Code  
8 Sections 664, 187(a), in the Superior Court of the State of  
9 California, County of San Bernardino, case number FVA022636, on or  
10 about March 3, 2005, for which defendant GALLARDO served a term of  
11 imprisonment of more than 12 months.

12 A TRUE BILL

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14   
15 Foreperson

16 E. MARTIN ESTRADA  
17 United States Attorney

18 *Christina Shug for SMG*

19 SCOTT M. GARRINGER  
20 Assistant United States Attorney  
Chief, Criminal Division

21 SEAN D. PETERSON  
22 Assistant United States Attorney  
Chief, Riverside Branch Office

23 ROBERT S. TRISOTTO  
24 Assistant United States Attorney  
Riverside Branch Office